MT LEGISLATIVE HISTORY

Chapter 474 1977

Bill H ____ (S) 382 Original bill & hist. ___C

H. Committee on ____			S. Committee on State Administration		
Hearing Date(s)	Mar 30	✓C	Hearing Date(s)	Feb 12	✓C
		___C		Feb 15	✓C
		___C			___C
		___C			___C
Date Out		___C		Feb 19	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Senate BILL NO. 382

INTRODUCED BY Dan E. Smith

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RESPECTIVE ROLES OF THE CONSUMER COUNSEL AND THE PUBLIC SERVICE COMMISSION IN ADVERSARY UTILITY RATE CASES BEING CONDUCTED BY THE PUBLIC SERVICE COMMISSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Roles of public service commission and consumer counsel. In any case involving an application by a regulated utility for authority to increase its rates, which is actively contested by the consumer counsel, the public service commission shall avoid as much duplication of effort as possible by leaving representation of the interests of consumers to the consumer counsel when he timely petitions to become a party to such case, provided however, nothing contained herein prohibits the commission or its staff from investigating, interrogating, and introducing evidence in any hearing to further clarify or develop the case or present an issue it believes has not been fully presented.

-End-

SB382

INTRODUCED BILL

BUSINESS & INDUSTRY COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 367	Requiring the Public Service Commission to investigate only major accidents involving public utilities	2/26/77	Devine	3/28/77	AS AMENDED CONCURRED IN	3/28/77
SB 375	Reviving the prohibition against discriminatory charges along portions of railroad routes	2/26/77	Devine	3/28/77	CONCURRED IN	3/28/77
SB 382	Clarifying the respective roles of the Consumer Counsel and the Public Service Commission in adversary utility rate cases being conducted by the Public Service Commission	2/26/77	Towe	3/30/77	AS AMENDED CONCURRED IN	3/30/77
SB 392	Raising the filing fee for a motor carrier certificate	2/26/77	Devine	3/28/77	CONCURRED IN	3/28/77
SB 433	Providing for specialty licenses for heating, ventilation and air conditiong work	2/26/77	R. Smith	3/30/77	AS AMENDED BUT NOT CONCURRED IN	3/30/77
SB 442	Amending sections defining small miners	2/26/77	Natural Resources Com.	3/30/77	CONCURRED IN	3/30/77

Senate Bill No. 382 was discussed. Sen. Towe, chief sponsor, stated the bill would relate to a possible duplication in which he felt has always existed in the governmental system. Sen. Towe stated it would be a tragedy if both the Public Service Commission and the Consumer Counsel hired very expensive people to come here to prepare a case. We should eliminate this duplication. The Consumer Counsel has finally agreed that there is an existing problem that needs to be worked out. It would leave them the right to add further witnesses or further inquiry. Sen. Towe then introduced Mr. Jeff Brazier.

Mr. Jeff Brazier, Consumer Counsel, expressed his support in the bill.

Mr. Les Loble said he had a simplistic view of the psychology of individuals. When they come down in the arena to take one side or the other, you cannot condemn them for this. People are only human. Mr. Bill Sternhagen expressed his support of the bill.

Mr. Brazier added that there was an objection of the inherent ability when the judge rules on the advocate. He stated that the Consumer Counsel had paid three times than what they had anticipated. It was mainly on the inclination of the PSC to plea the advocate. He stated that making objections and motions for the record for appeal are advisory functions. Also, the credibility of the consumers. He said he did not know of any other agency in the nation which played the advocacy role.

Mr. Jim Hughes, Mountain Bell, said that when the bill was first introduced, amendments were made in the Senate which got closer to the point of making the effort of the prospective roles.

In closing, Sen. Towe said that the when the bill first went into being he was surprised the PSC and the Consumer Counsel agreed. It has worked out for both parties.

Mr. Rob Smith, Public Service Commission, stated that one should not draw an ironclad analogy between the judge and the PSC. It is a technical area. It is a different format and there is a high degree of investigation. It is not a matter of impeaching. He said he thought the Commission should have the right to introduce evidence, also, the Commission is moving toward the Consumer Counsel taking the advocate role. Most of the staff would agree that Mr. Brazier should support the consumer.

Senate Bill No. 433 was discussed. Sen. R. Smith, chief sponsor, said the bill is an existing statute of the law which is awaiting a law suit. He said this bill would correct some of those statutes. He said that recreational vehicles should be omitted.

Proponents:

Mr. Barry Hjort said his position of the bill should be as it is. The language contained in the bill now should be enacted. This particular bill would establish standards for individuals doing repair work.

Rep. Scully asked all people concerned with the bill if they would agree to amending the bill by striking subsections (b), (c), and (d) on pages 11 and 12. No one was interested in that amendment.

The committee then went into executive session.

Rep. Scully moved to amend Senate Bill No. 306 (amendments attached). The amendments were adopted unanimously. Rep. Scully then made a motion that Senate Bill No. 306 BE CONCURRED IN AS AMENDED. That motion was carried unanimously.

Rep. Ellison moved that Senate Bill No. 307 BE CONCURRED IN. The motion carried unanimously.

Rep. Quilici moved that Senate Bill No. 442 BE CONCURRED IN. The motion was passed unanimously.

Rep. Quilici made a motion to adopt the amendments on Senate Bill No. 382. There was a brief discussion on the amendments and voted unanimously to adopt the amendments (attached). Rep. Quilici moved that Senate Bill No. 382 BE CONCURRED IN AS AMENDED which was carried unanimously.

Rep. Scully moved to amend Senate Bill No. 433 by striking subsections (b), (c), and (d) on pages 11 and 12. All members present voted yes, with the exception of Rep. Quilici who voted no. Rep. Ellison then moved that Senate Bill No. 433 BE CONCURRED IN AS AMENDED. All members present voted yes, with the exception of Reps. Quilici, Metcalf, Harper, and Vincent. The motion carried.

Rep. Tropila moved to adopt amendments to Senate Bill No. 206 which were adopted with all members present voting yes, with the exception of Rep. Harper who voted no (amendments attached). Rep. Tropila then made a motion that Senate Bill No. 206 AS AMENDED BE INDEFINITELY POSTPONED. That motion passed with all members present voting yes, except Reps. Harper and Metcalf who voted no.

There being no further business, the meeting adjourned at 12:00 noon.

JOHN C. VINCENT, Chairman

PROPOSED AMENDMENTS TO SB 382
Submitted by Rep. Quilici

1. Amend page 1, line 12.
Following: "regulated"
Strike: "utility"
Insert: "entity to the public service commission"

2. Amend page 1, lines 14 and 15.
Following: "shall"
Strike: "avoid duplication of effort by leaving"
Insert: "leave"

3. Amend page 1, line 19.
Following: "investigating"
Strike: ","
Insert: "and"
Following: "interrogating"
Strike: ", and introducing evidence"

4. Amend page 1, line 20.
Following: "clarify"
Strike: "or develop"

45th LEGISLATIVE SESSION

COMMITTEE ON State Administration

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
354	2-1-77	2-14-77	2-14-77	2-14-77					
361	2-1-77 2-16-77	2-14-77 2-16-77	2-14-77 2-17-77	2-14-77		2-16-77			
363	2-1-77	2-18-77	2-19-77			2-18-77			
83	2-1-77	heard in another com. no hearing	2-22-77			2-15-77			
372	2-2-77	2-12-77	2-16-77		2-15-77				
377	2-2-77	2-12-77	2-12-77	2-12-77					
379	2-2-77	2-12-77	2-17-77			2-16-77			
380	2-2-77	2-12-77	2-19-77			2-15-77			
382	2-2-77	2-12-77	2-19-77			2-15-77			
249	2-7-77	died in committee by request of sponsor							
395	2-4-77	2-16-77	2-16-77			2-16-77			
403	2-5-77	2-16-77	2-18-77			2-16-77			
429	2-12-77	2-18-77	2-19-77	2-19-77					
253	2-16-77	2-18-77	2-19-77		2-19-77				
444	2-19-77	2-21-77	2-23-77		2-23-77				
449	4-6-77	4-8-77	4-8-77	4-8-77					
368	2-1-77	2-18-77	2-21-77		2-21-77				

support of the bill

There were no further proponents and no opponents to the bill. There being no further discussion the hearing was closed.

Senator Story moved SB 377 Do Pass. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 382

Senator Towe, District 34, sponsor of the bill, stated the bill simply clarifies the roles of the Consumer Counsel and Public Service Commission to avoid a duplication of efforts.

PROPONENTS

Gordon Bollinger, Public Service Commissioner, stated his support of the bill.

Jeff Brazier, Consumer Counsel, stated his support of the bill.

There were no further proponents or opponents to the bill and the hearing was closed.

SENATE BILL 380

Senator Towe, District 34, sponsor of the bill, stated the bill addresses the problem of employees trying to appeal their job classifications and frustrations and the abuse of appeal procedures which result in changes during the appeal process negating the appeal. The bill was introduced at the request of the Montana Public Employees Association.

PROPONENTS

Tom Schneider, Executive Director of the MPEA, presented his written testimony to the committee (attached # 5).

Ross Cannon, Chief Legal Counsel for the MPEA, reviewed the procedures for appeal. He stated he felt the burden of proof needs to be put on the state.

Gary Bluett, Assistant Bureau Chief of the Maternal and Child Health Bureau, presented his written testimony to the committee (attached # 6).

Bob Stevens, staff member of MPEA, introduced some employees who have been affected by this situation in their classification appeals: Danella Capp, Anita Olson, Jo Ann Wonderlich, and Barbara Cloniger.

Don Judge, American Federation of County and Municipal Employees, AFL-CIO, presented his written remarks to the committee (attached #7).

George Losleben, staff attorney for the Department of Administration, stated he generally supports the bill with the exception of the

ROLL CALL

Fish & Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 3/3/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

Each day attach to minutes.

counsel, John Hollow (see all amendments with the exception of #8 on the attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved to amend page 2, line 2, by striking 3¢ and inserting 5¢ and inserting "such operation of a privately owned vehicle is unnecessary and " following "available" (amendment #8 on attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Devine moved Senate Bill 275 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 372

After discussion, the committee agreed to have a resolution drawn up by the committee counsel stating quarterly reports should be made by the claims investigator of the Employment Security Division to the Legislative Auditor until the 1979 session. A cover letter would be sent to Mr. Barrett stating that although the bill was not recommended by the committee, they are very concerned that the substance of the resolution be adhered to.

Senator Story moved Senate Bill 372 Do Not Pass. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 382

Senator Roskie moved to amend page 1, line 14, 15, 20, and 21 (see all amendments, attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Story moved Senate Bill 382 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 380

Senator Story moved to amend page 1, lines 22 and 25 (see both amendments attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Story moved Senate Bill 380 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting adjourned to reconvene February 16.

Thomas E. Towe

Senator Thomas E. Towe, Chairman

ROLL CALL

State Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2/23/77
7:30 pm

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

Each day attach to final

SENATE BILL NO. 382

INTRODUCED BY TOWE, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RESPECTIVE ROLES OF THE CONSUMER COUNSEL AND THE PUBLIC SERVICE COMMISSION IN ADVERSARY UTILITY RATE CASES BEING CONDUCTED BY THE PUBLIC SERVICE COMMISSION."

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-End-

SB 382

REFERENCE BILL